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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,405	04/19/2002	Lasha A. Ross	UHMWPV	9892

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WM. WRIGLEY JR. COMPANY
RESEARCH AND DEVELOPMENT
3535 S. ASHLAND AVE.
CHICAGO, IL 60609

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EXAMINER

CORBIN, ARTHUR L

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,405

Applicant(s)

ROSS ET AL

Examiner

ARTHUR L CORBIN

Group Art Unit

1761

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 8-6-03 8-12-02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-46 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-46 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4,7
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Claims 5, 10, 13, 14, 16, 25, 27 and 35-38 are objected to because of the following informalities: In claims 13, 14, 16, 25 and 35-38, "the amount" should be changed to "an amount". In claim 15, line 2, "the amount" should be cancelled. In claim 5, line 3 and claim 27, line 4, a comma should be added after "clay". In claim 10, line 5, a comma should be added before "non". Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, 12-32 and 34-46 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mansukhani et al.

Mansukhani et al discloses a non-stick chewing gum composition including a blend of polyvinyl acetates of different molecular weights (MW) as claimed by applicant, including one having high MW up to 500,000. Also present are plasticizers, fillers and emulsifiers as claimed by applicant. Each component is present in the amount claimed by applicant.

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5. Claims 11 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over ^{JP 60186249A (Abstract) or WO 9700619A (Abstract)} Mansukhani et al in view of JP 2001149019 A (Abstract). It would ~~have~~ been obvious to include sucrose ester or sugar fatty acid ester emulsifiers in the gum composition of Mansukhani et al since these are conventional chewing gum emulsifiers, ^{as} evidenced by any of the secondary references.

6. Claims 1-10, 12-18, 22-32, 34-40, 45 and 46 are also rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bunczek et al.

Bunczek et al discloses a chewing gum composition having reduced adhesion to environmental surfaces including a high molecular weight (MW) polyvinyl acetate (PVA) having a MW of 200,000. Also included in the composition is PVA having a low MW of about 14,000, as well as fillers, plasticizers and emulsifiers as claimed by applicant. Each compound is present in an amount as claimed by applicant.

7. Claims 11 and 33 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Bunczek et al in view of JP 2001149019 ^A JP 60186249 A or WO 9700619 A.

Applicant is referred to paragraph No. 5 above for the application of the secondary references.

8. Claims 19-21 and 41-44 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Bunczek et al in view of Mansukhani et al or Koch et al.

It would have been obvious to include polyvinylacetates having molecular weights within the range claimed by applicant in claims 19, 21, 41 and 43 since these

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particular polyvinylacetates are conventional components in non-stick chewing gum compositions, as evidenced by either secondary reference.

9. Any inquiry concerning this communication from the examiner should be directed to Arthur Corbin whose telephone number is (703) 308-3850. The examiner can generally be reached on Tuesday--Friday from 10 a.m. to 7:30 p.m. and on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (703) 308-3959. The fax phone numbers for the organization where this application is assigned are (703) 872-9310 for regular communications and (703) 305-7115 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

A. Corbin/dh
July 15, 2003


ARTHUR L. CORBIN
PRIMARY EXAMINER
7-16-03